IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7169 OF 2003

Shri Chandrakant Sadashiv Nagarkar & Ors... .... Petitioners
V/s
The State of Maharashtra & Ors... ... . Respondents.

Mr.S.Dhakephalkar, Adv. for the petitioners.

Mr.S.S.Patwardhan, for respondent No.5.

CORAM: V.G. PALSHIKAR, Ag.C.J.

AND

SMT.NISHITA MHATRE, J.

7.02.2006.

PC:

By this petition the petitioners have challenged the action of Gram Panchayat-Respondent No.5 of shifting weekly market from its original place to new place in front of Tilak Chowk, Saba Peth, Vithal Mandir Road. The contention of the petitioners is that the said change is not in accordance with law and the petitioners have their shops in the old weekly market and would therefore suffer in business. However, in our opinion, it is not necessary to go into these contentions as it will be for the Chief Executive Officer, Zilla Parishad to decide these aspects in the light of the order passed by the Government of Maharashtra dated 31.1.2003. The dispute regarding change of weekly market place had reached the State Government and the State Government had passed its order which is impugned in this petition. The

Government has very clearly directed that according to law it appears that the Gram Panchayat can with prior permission of the Zilla Parishad open or continue the weekly market and therefore the Chief Executive Officer was directed to consider powers of the Gram Panchayat in relation to establishment of weekly market and thereafter decide the aspects of shifting in the market place according to information. Though these directions were issued three years ago, nothing appears to have been done. Interest of justice will be met if the Chief Executive Officer, Zilla Parishad, Solapur is directed to take up consideration of establishment or shifting of the weekly market in Karkamb village at the instance of Gram Panchayat of that village and pass appropriate orders in the light of communication dated 31.1.2003. Petition accordingly stands disposed of.